

CHAPTER 421
MOBILE HOME DEALERS, MANUFACTURERS AND DISTRIBUTORS

[Prior to 6/3/87, Transportation Department [820]—(07,D) Ch7]

761—421.1(322B) Definitions. The definitions in Iowa Code section 322B.2 are made part of this chapter and in addition the following words and phrases when used in this chapter shall have these meanings respectively ascribed to them, except when the context otherwise requires.

421.1(1) “*Certificate of title*” means a document issued by the appropriate official which contains a statement of the owner’s title, the name and address of the owner, a description of the vehicle, a statement of all security interests and additional information required under the laws or rules of the jurisdiction in which the document was issued, and which is recognized as a matter of law as a document evidencing ownership of the vehicle described. The terms “title certificate,” “title only” and “title” shall be synonymous with the “certificate of title.”

421.1(2) “*Manufacturer’s statement of origin*” means a certification signed by the manufacturer or importer that the mobile home described has been transferred to the person or dealer named and that the transfer is the first transfer of the mobile home in ordinary trade and commerce. The description shall include the make, year model, vehicle identification number and other information which may be required by statute or rule. The term “manufacturer’s certificate,” “importer’s certificate,” “MSO” and “MCO” shall be synonymous with the term “manufacturer’s statement of origin.”

421.1(3) “*Year model*” means the year of manufacture of the mobile home or the model year as certified by the manufacturer. The year model of a specially constructed or reconstructed mobile home shall be the year that the mobile home was first registered as a specially constructed or reconstructed vehicle.

This rule is intended to implement Iowa Code section 322B.2.

761—421.2(322B) Criteria for obtaining a mobile home dealer license.

421.2(1) *Licensing information.* Information concerning license requirements may be obtained from the Office of Vehicle Registration, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278, or at its location in Park Fair Mall, 100 Euclid Ave., Des Moines; telephone (515)237-3021.

421.2(2) *Dealer’s bond.* The applicant shall obtain a surety bond in the amount of \$25,000. The original bond shall be filed with the department. The bond shall provide for a 30-day notice to the department, prior to cancellation. The department shall notify the bonding company of any convictions of the principal for violation of the dealer laws or rules. The department shall notify the dealer by certified mail that the dealer’s license shall be revoked the same date the bond is canceled unless the bond is reinstated or a new bond is filed.

421.2(3) *Place of business.* The applicant shall maintain a place of business at a designated location. If the principal place of business is not owned by the applicant, a valid lease agreement shall be obtained for a minimum of six months. If a mobile home or travel trailer is used as an office it shall be currently registered. The place of business shall include telephone service and an office area in which are kept the business records, manufacturer’s statements of origin, certificates of title or other evidence of ownership of each mobile home offered for sale.

421.2(4) *Separate place of business.* A separate dealer’s license shall be obtained in each county in which the applicant maintains a place of business.

This rule is intended to implement Iowa Code section 322B.3.

761—421.3(322B) Supplemental statements. A mobile home dealer shall file with the department a written statement upon change of name, location of the dealer’s place of business or method or style of doing business. The written statement shall be filed within 15 days of the change with a fee of \$35 in payment of a new license reflecting the change.

This rule is intended to implement Iowa Code section 322B.3.

761—421.4(322B) Prohibited acts.

421.4(1) Prohibited acts are listed in Iowa Code sections 321.104 and 322B.6.

421.4(2) Operation under distinct name. A mobile home dealer shall not represent or advertise the business under any name other than the name that appears on the dealer's license.

This rule is intended to implement Iowa Code sections 321.104, 322B.6, 322B.7 and 322B.8.

761—421.5(322B) Dealer plates. Mobile home dealers may obtain dealer plates as provided in Iowa Code sections 321.57 to 321.63. The plates shall bear the word "trailer."

This rule is intended to implement Iowa Code section 322B.7.

761—421.6(321,322B) Sale or transfer of mobile homes. The following criteria shall apply to the sale or transfer of mobile homes.

421.6(1) Dealer sales.

a. A mobile home, owned by a dealer, shall not be offered for sale unless the dealer has a properly assigned manufacturer's statement of origin or a certificate of title for it. A dealer shall not sell a mobile home, owned by the dealer, without delivering to the transferee a manufacturer's statement of origin or a certificate of title duly assigned to the transferee.

b. A used mobile home with an Iowa title assigned to the dealer shall not be reassigned by the dealer. The dealer shall within 15 days after acquiring the used mobile home obtain a new certificate of title and shall not be charged a title fee.

421.6(2) Transfers. A mobile home, not owned by a dealer, may be offered for sale and sold by a dealer under the following conditions:

a. The mobile home owner and dealer shall enter into a written listing agreement, signed by the owner or by one owner of a mobile home owned jointly by more than one person, and signed by the dealer, which shall be dated and include the following provisions:

- (1) The make, year model, and vehicle identification number.
- (2) The period of time that the agreement shall remain in force.
- (3) The commission or other remuneration that the dealer is entitled to receive.
- (4) The price for which the mobile home shall be sold.
- (5) The name and address of the secured party, if the mobile home is subject to a security interest.
- (6) Any additional terms to which the owner(s) and dealer agree.

b. If current taxes have not been paid, the taxes and penalties shall be paid from the proceeds of the sale.

c. The dealer shall inform a prospective purchaser of a mobile home that the mobile home is not owned by the dealer, and, if requested by a prospective purchaser, the name and address of the owner(s).

d. An offer to purchase a mobile home shall be in writing.

e. The dealer shall make a written disclosure to the purchaser of the description of the mobile home; the name and address of the owner; if the mobile home is subject to a security interest, the name and address of the secured party; and if the current taxes have not been paid, the amount of taxes and penalties due. The disclosure statement shall be signed and dated by the transferee. The disclosure statement shall be in duplicate. The original shall be given to the transferee and the duplicate retained by the dealer, at the dealer's principal place of business, for a period of three years.

f. The documents required under 421.6(2) "a" and 421.6(2) "e" shall be made available to any peace officer of the department for inspection upon request.

This rule is intended to implement Iowa Code sections 321.45, 321.104 and 322B.6.

761—421.7(322B) Right of inspection. Peace officers employed by the department shall have the authority to inspect mobile homes, business records, manufacturer's statements of origin, certificates of title or other evidence of ownership of each mobile home offered for sale.

This rule is intended to implement Iowa Code section 322B.7.

761—421.8(322B) Criteria for obtaining a mobile home manufacturer's, distributor's or representative's license. Information concerning license requirements may be obtained from the office of vehicle registration at the address in subrule 421.2(1).

421.8(1) Notification. Mobile home manufacturers and distributors shall, within ten days of the fact, notify the department in writing of:

- a. Any change in the name, method of doing business or change in the location of the place of business as shown on the license, with a fee of \$35 in payment of a new license reflecting the change.
- b. Any change in their authorized representatives who are subject to licensing in this state.
- c. Issuance of a franchise or contract with a person in this state to sell new mobile homes at retail.
- d. Any change in the trade names of mobile homes being manufactured for delivery in this state.

421.8(2) Required acts. Mobile home manufacturers and distributors shall furnish sample manufacturer's statements of origin to the department for each make of mobile home assembled by the manufacturer for delivery in this state.

This rule is intended to implement Iowa Code section 322B.4.

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CHAPTER 422

TRAVEL TRAILER DEALERS, MANUFACTURERS AND DISTRIBUTORS

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Rescinded IAB 7/17/96, effective 8/21/96. See 761—Chapter 425.

CHAPTER 423

Reserved